

NOT FOR PUBLICATION

APR 10 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JESUS HERNANDEZ-MARTINEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-70344

Agency No. A94-376-498

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 5, 2006**

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Jesus Hernandez-Martinez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals' ("BIA") affirmance of an Immigration Judge's denial of his applications for asylum, withholding of

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

removal, and for relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence and may reverse only if the evidence compels a contrary conclusion. *Rostomian v. INS*, 210 F.3d 1088, 1089 (9th Cir. 2000). We deny the petition.

Substantial evidence supports the BIA’s decision that petitioner failed to establish past persecution or a well-founded fear of future persecution on account of an enumerated ground. *See INS v. Elias-Zacarias*, 502 U.S. 478, 482-83 (1992). Because petitioner repeatedly testified that he came to the United States for work, and there was no evidence that he encountered harm on account of an enumerated ground, petitioner’s asylum claim fails. *See id.*

Because petitioner failed to demonstrate that he is eligible for asylum, he also fails to satisfy the more stringent standard for withholding of removal. *See Alvarez-Santos v. INS*, 332 F.3d 1245, 1255 (9th Cir. 2003).

Petitioner failed to raise his CAT claim in his opening brief and waived this claim. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

PETITION FOR REVIEW DENIED.